

REMARKS

Election/Restrictions:

Group I: claims 1-5, drawn to an edible product;

Group II: claims 6-8, drawn to baking tin; or

Group III: claims 9-11, drawn to Method for production of edible product.

Applicants affirm the election of claims 1-5, drawn to an edible product.

Specification:

The title of the invention is not descriptive. Applicant has amended the title to be more descriptive as suggested by the Examiner.

Disposition of Claims:

Claims 1-11 are all the claims pending in the application. Claims 1-5 have been rejected and claims 6-11 has been withdrawn from consideration. Claim 1 and 4 have been amended, claims 6-11 have been canceled and claims 12-14 have been added.

Claim Rejections Under 35 U.S.C. § 112:

Claims 1-5 are rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 1 has been amended to overcome the issue raised by the Examiner.

Claim Rejections Under 35 U.S.C. § 102 and 103:

Claims 1-2 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Peleg (U.S. Patent No. 4,841,112). Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rettey, et al. (U.S. Patent Publication No. 2003/0044493) in view of Peleg

further in view of Ellner (U.S. Patent No. 5,601,012). For the following reasons, Applicants respectfully traverse these rejections.

Amended claim 1 recites:

An edible product, comprising a body including an edible material, said body having a crusty surface that has been obtained by heating, said surface comprising a circumferential top surface, a bottom surface and a peripheral surface, said circumferential surface having an undulating shape, wherein the body is provided with a central cavity having an upwardly facing opening for introducing an edible filling therein, said circumferential surface defining the opening of said central cavity.

With regard to the prior art cited, none of the references discloses a finished product having a crusty circumferential part and a filling, wherein the filling can be seen by the consumer through an upwardly facing opening, as recited in claim 1.

Peleg discloses a product wherein the filling is closed on all sides by the dough material. The same applies to Rettey, et al. As is clear from Fig. 5 the final product to be offered to the consumer is the dough ball. Ellner is not cited against claim 1 and, indeed, it is clear that this reference is not at all relevant to claim 1. Accordingly, it is submitted that claim 1 is allowable over the prior art.

Apparatus claims 3-5 should likewise be allowable, along with new method claims 12-14 since they depend from allowable claim 1.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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